

not have the inherent authority to modify the sentence. United States v. Moreno, 421 F.3d 1217, 1219 (11th Cir. 2005); United States v. Ross, 245 F.3d 577, 586 (6th Cir. 2001); United States v. Barragan-Mendoza, 174 F.3d 1024, 1028 (9th Cir. 1999). Under 18 U.S.C. § 3582(c), a court can only modify a defendant's term of imprisonment in three situations: (1) upon motion of the Director of the Bureau of Prisons for the reasons specified in 18 U.S.C. § 3582(c)(1)(A); (2) to the extent permitted by statute or Federal Rule of Criminal Procedure 35; or (3) when the Sentencing Commission has reduced the guideline range for the defendant's offense and made the reduction retroactive. 18 U.S.C. § 3582(c).

In this case, the federal and state sentences were imposed at different times. At sentencing, the Court did not order that his federal sentence run concurrent to his state sentence. Therefore, the state and federal sentences run consecutive. Because the sentence has already been imposed and none of the § 3582 situations exist, the Court does not have the authority to modify it. Defendant's Motion to Modify Sentence is denied.

SO ORDERED, this the 27th day of July, 2009.

s/ Hugh Lawson
HUGH LAWSON, Judge

dhc